



TOWN OF HUDSON

Zoning Board of Adjustment



Normand Martin, Chairman

Thaddeus Luszey, Selectmen Liaison

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HUDSON ZONING BOARD OF ADJUSTMENT MEETING MINUTES February 23rd, 2017

I. CALL TO ORDER

Chairman Martin called this meeting of the Hudson Zoning Board of Adjustment to order at 7:30 PM on Thursday, February 23rd 2017, in the Paul Buxton Meeting Room in the Town Hall basement. Chairman Martin then requested Mr. Houle to call the roll. Representatives of the Hudson Zoning Board of Adjustment were as follows:

Members Present: Maryellen Davis, Charles Brackett, Normand Martin, Jim Pacocha

Alternates Present: Kevin Houle, Maurice Nolin

Staff Present: Bruce Buttrick, Zoning Administrator

Excused: Donna Shuman
Ted Luszey

Recorder: Brian Dubey

II. SEATING OF ALTERNATES AND ANNOUNCEMENTS

For the benefit of all attendees Chairman Martin noted that copies of the agenda for the meeting, as well as an outline of the rules and regulations governing hearings before the Zoning Board of Adjustment were available at the door of the meeting room. He noted the outline includes the procedures that should be followed by anyone who wished to request a rehearing in the event the Board's final decision was not felt to be acceptable.

The curfew for the meeting is 11 PM. Chairman Martin does not anticipate this to be a problem for this session. In the event that a case is not heard by 11 PM, it will be postponed until the next meeting. If a case is in process, it will be heard until midnight then continued at the next meeting.

Chairman Martin seated Alternate Nolin for Ms. Shuman before the hearing of the agenda case.

III. PUBLIC HEARINGS OF SCHEDULED APPLICATIONS BEFORE THE BOARD

1. **Case 182-001 (2-23-17): Selena Langis, 9 Oak Ave, Hudson, NH, requests a Special Exception for a dog kennel to be operated at 5 Lowell Road, Hudson, NH [Map 182, Lot 001, Zoned TR: HZO Article VI §334-23, Special Exceptions]**

Chairman Martin asked Mr. Buttrick to review the reason for the case being brought before the Board today.

Mr. Buttrick stated applicant wishes to operate a puppy store but because of the overnight housing of the puppies, by definition this would be defined as a kennel. Applicant requests a Special Exception.

Chairman Martin asked who is present for the case, to come forward before the Board and state their name.

TESTIMONY: Selena Langis

Chairman Martin asked Ms. Langis to go over each criteria of the application to ensure she is aware and on record of why she is before the Board.

Ms. Langis complied, her answers on the application were repeated for the record. Specifically of note, Ms. Langis makes note to the Board that she “does not plan to board, train or breed any dogs.” Ms. Langis made note in her testimony that all puppies need homes, the puppies will not be put in crates or enclosed confined areas. The puppy store will not only be her business but is her life’s passion. Ms. Langis noted that she is a resident of Hudson, NH, her children attend school in Hudson and with the store being on Lowell Road it will be a great fit for her and the puppies, as she will always only be “right down the road” when she is home.

Ms. Langis concluded her testimony; Chairman Martin thanked Ms. Langis and excused her from the podium.

Chairman Martin asked if anyone in the audience would like to speak in favor of Ms. Langis’ application.

Mr. Mark Hetzer came forward in favor of Ms. Langis’ application. Mr. Hetzer is the owner of 5 Lowell Road, Hudson, NH. He was introduced to Ms. Langis by a real estate agent and he thought Ms. Langis’ idea for the property was a good fit and a good idea. Mr. Hetzer stated he looked up the definition of a kennel in the Oxford Cambridge dictionary: *a place where animals are bred and trained, where people pay to leave their dogs to be taken care of while they are away.* He noted that Ms. Langis is not boarding, breeding, nor training; “She is housing.” She only falls under the kennel category because it’s the closest term. He stated he visited a kennel and noted that the dogs lived in kennels and included training. Some kennels were outside. Mr. Hetzer noted that Ms. Langis is not doing any of those kennel type things with the property. All actions of the puppy store will be done inside. He continued that Ms. Langis is not changing the look of the property at all. Mr. Hetzer concluded that he would like to support Ms. Langis in her case before the Board and asked the Board to vote in favor of Ms. Langis case.

Chairman Martin asked the audience if anyone else wanted to speak in favor of the matter at hand; no one came forward.

Chairman Martin then asked the audience if anyone would like to speak in opposition of the case; no one came forward.

Chairman Martin called the matter before the Board.

Mr. Brackett was first to speak to Ms. Langis. He asked Ms. Langis if she would have any other items then the puppies for sale.

Ms. Langis stated other than leashes there would be no other items for sale.

Mr. Brackett asked how many puppies would be for sale at the property at any given time.

Ms. Langis put the maximum at 15-20 puppies but this would be around Christmas time.

Mr. Brackett called attention to the fact that the business is a re-location.

Ms. Langis stated that the previous location was in Merrimack, NH. The Merrimack location was closed the second week of January. The business will be inherited from Ms. Langis' parents.

Ms. Davis asked her about the waste removal.

Ms. Langis stated that she would have to get a dumpster.

Ms. Davis continued her questions and asked what happened if the puppies don't get sold.

Ms. Langis stated that they stay with her and that she has never had to keep a puppy past 6 months old.

Ms. Davis asked Ms. Langis how long she was at the Merrimack location and why she moved the business.

Ms. Langis stated that she was at the Merrimack location for "6 or 7 months" and the reason she was leaving was because of conflict with her neighbors. Ms. Langis believes the complaints and conflict with her then business neighbor was her neighbor was an advocate for dogs and didn't agree with a puppies for sale business. Ms. Langis noted that because of the business at 5 Lowell Road, it will be a large benefit to her because the location at 5 Lowell Road will be a stand-alone.

Ms. Davs asked if there were any complaints or issues with the Town or State.

Ms. Langis fully denied any issues and stated she had the State remark how clean and well her business was run in the Merrimack location by the Board of Health.

Ms. Davis asked what happens at night with the puppies.

Ms. Langis stated she has the dogs in large waist high "bins".

Ms. Davis asked what will be Ms. Langis hours of operation.

Ms. Langis stated she will operate during the hours of 10-5; Thursday, Friday, Saturday and Sunday. She will be closed Mondays, Tuesdays and Wednesdays. She stated the reason she will be closed those days is to take the puppies to the vet to get their required shots, cleaning, stocking, and possible private appointments.

Ms. Langis noted there is a shelter that would work with her called “Misfit Mutts.” Puppies that have blemishes, such as one floppy ear and one not.

Mr. Nolin asked what Ms. Langis plans to do about the noise.

Ms. Langis stated that when she goes home she turns the lights off and the puppies being exhausted are quiet and asleep.

Mr. Nolin asked Mr. Hetzer what his plans are for the rest of the land.

Mr. Hetzer stated nothing, he had used it as storage from his old bicycle shop and he plans on moving the bicycles from the location.

Mr. Nolin noted that if he were to put forth a motion to not do anything with the land, would he agree.

Mr. Hetzer agreed if it is needed.

Ms. Davis stated she has been notified there is a second business looking to lease the property.

Mr. Hetzer stated there is a second business, a roofing company that he is also considering but Ms. Langis is his first choice for the lease of the property.

Mr. Brackett asked Ms. Langis how many people would be employed.

Ms. Langis stated 1-2 employees, with only one needed on shift working at the business.

Mr. Pacochoa asked Mr. Buttrick why the business was categorized as a kennel.

Mr. Buttrick went by the definition that included the sheltering of cats or dogs. Which the business of housing puppies overnight would fall under and needed to be reviewed in front of the Board.

Mr. Brackett made a motion to approve the sale of puppies/dogs, that they are housed there and that is the only reason the kennel term would be used.

Ms. Davis stated she would second with three stipulations:

1. No boarding, breeding, training or doggy day care is allowed of any other dogs that aren't owned by the business owner.
2. Hours of operation are 10AM-7PM, Monday to Sunday. (Monday, Tuesday and Wednesday the store would only be open to employees for previously stated maintenance and private appointments only.)
*Ms. Davis asked Ms. Langis if that was to limiting. Ms. Langis said she can make it work. Ms. Davis put forward the stipulation to limit the early morning traffic.
3. Ms. Davis requested to limit the amount of employees working in the business.

Chairman Martin objected for reasons they cannot as that condition would have to be deferred to site review. Ms. Davis agreed to drop the third stipulation.

Stipulation 1 & 2 were agreed upon by the Board. Stipulation three was rescinded.

Ms. Davis stated that if Mr. Brackett is in agreement with that she would second the motion. All parties agreed.

Chairman Martin asked recorder Brian Dubey to re-read the motion. Mr. Dubey did so, all agreed upon the reading.

Mr. Brackett stated that he finds no issue with the business and hopes the best for it.

Chairman Martin called to roll the motion by Mr. Brackett.

Vote as follows:

Mr. Brackett	Grant
Ms. Davis	Grant with 2 stipulations
Mr. Pacocha	Grant with 2 stipulations
Mr. Nolin	Grant
Chairman Martin	Grant

Vote: 5-0 Grant Case 182-001

IV. REVIEW OF MINUTES

January's minutes were deferred until next month's meeting as they are not complete.

V. REQUEST FOR RE-HEARING

No request for rehearing.

VI. OTHER

1. Chairman Martin stated the review/rewrite of the ZBA bylaws AKA Chapter 13 in the Town Code would be in a workshop meeting on April 13, 2017. Seconded by Mr. Brackett. Mr. Buttrick noted that there are two versions of the bylaws on the web. The "ZBA" version is the correct one.
2. No urgent discussion or activity of interest was added to the Board's agenda.

VII. ADJORNMENT

Mr. Martin made a motion to adjourn and Mr. Nolin seconded the motion. All in favor, the motion passed unanimously. Chairman Martin declared the meeting adjourned at 8:23 PM.